

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS**

**FILED**  
US DISTRICT COURT  
WESTERN DISTRICT  
OF ARKANSAS  
Oct 7, 2019  
OFFICE OF THE CLERK

(1) CRAWFORD-SEBASTIAN	)	
COMMUNITY DEVELOPMENT	)	
COUNCIL, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 19-2128
	)	
	)	JURY TRIAL DEMANDED
(1) NEW HAMPSHIRE INSURANCE	)	
COMPANY	)	
	)	
Defendants.	)	
	)	

**NOTICE OF REMOVAL**

COMES NOW Defendant New Hampshire Insurance Company, by and through its counsel of record, Steve E. Holden, and hereby files this Notice of Removal pursuant to 28 U.S.C. § 1441(b) and 1446. In support, the Defendant submits that this Court has subject matter jurisdiction over the claims raised in Plaintiff's Complaint [Exhibit 1] pursuant to 28 U.S.C. § 1332. In further support, the Defendant would state as follows:

1. On August 30, 2019, Plaintiff commenced an action in the Circuit Court of Sebastian County, State of Arkansas, by filing a Complaint [Exhibit 1] in Case No. CV-2019-758, styled *Crawford-Sebastian Community Development Council, Inc. v. New Hampshire Insurance Company (A Capital Stock Company)*.

2. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332.

3. As per 28 U.S.C. § 1446(a), a clearly legible copy of Plaintiff's Complaint [Exhibit 1] and Summons and Proof of Service [Exhibit 2] have been attached hereto.

4. Defendant files this Notice of Removal within thirty (30) days after the receipt by the Defendant of papers from which it was first ascertainable that the case is one which is removable.

5. Contemporaneous with the filing of this Notice of Removal, Defendant is providing written notice of filing to Plaintiff and will file a copy of this Notice of Removal with the Circuit Court of Sebastian County, State of Arkansas.

#### **AMOUNT IN CONTROVERSY**

6. In its Complaint [Exhibit 1], Plaintiff asserts claims for Breach of Contract and Insurance Bad Faith against Defendant arising from an insurance claim made by Plaintiff relating to alleged damage to property owned by Plaintiff in Sebastian County, State of Arkansas.

7. Plaintiff seeks actual damages in an amount in excess of \$75,000.00. *Id.* at ¶ 25. Therefore, the amount in controversy is in excess of the perquisite jurisdiction amount pursuant to 28 U.S.C. § 1332.

#### **DIVERSITY OF CITIZENSHIP**

8. Plaintiff is a citizen of the State of Arkansas. *Id.* at ¶ 1.

9. Defendant is a citizen of the State of Illinois with its principal place of business in New York.

10. In light of the above, this Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332, because: (1) the citizenship of Defendant is wholly diverse from

the citizenship of Plaintiff; and (2) the amount in controversy, exclusive of interest and costs, exceed Seventy-Five Thousand Dollars (\$75,000.00).

WHEREFORE, Defendant New Hampshire Insurance Company hereby gives Notice of Removal of this case to the United States District Court for the Western District of Arkansas. Pursuant to Federal Rule of Civil Procedure 81(c)(2), Defendant will file an answer or otherwise respond seven (7) days from the date of this Notice of Removal.

Respectfully submitted,

**HOLDEN LITIGATION**, *Holden PC*

A handwritten signature in black ink, reading "Steven E. Holden". The signature is fluid and cursive, with the first name "Steven" and last name "Holden" clearly legible, and a middle initial "E." in between.

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Steven E. Holden, OBA #4289

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*Attorney for Defendant New Hampshire  
Insurance Company*

**CERTIFICATE OF SERVICE**

I certify that on the 7th day of October, 2019, a true and correct copy of the above and foregoing instrument was mailed, with proper postage fully prepaid thereon, to:

J. Ryan Fowler  
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***Attorneys for Plaintiff, Crawford-  
Sebastian Community Development  
Council, Inc.***



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Steve E. Holden

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